

### **REMARKS/ARGUMENTS**

The Office Action dated October 29, 2007 and the references cited therein have been carefully considered. In response to the Office Action, Applicant has amended the Abstract and Claims 1, 2, 4, 7, 9 and 13-14. Applicant has also canceled Claims 3, 5, 12 and 15 and added new Claim 17, which, when considered with the remarks set forth below, are deemed to place the case with Claims 1-2, 4, 6-11, 13-14 and 16-17 in condition for allowance.

#### ***Oath/Declaration***

The Office Action first indicates that the combined Declaration filed with the application is defective. In response, Applicant submits the enclosed Supplemental Declaration signed by the inventor. Accordingly, it is believed that the objection to the Declaration has been overcome.

#### ***Abstract Objection***

The abstract has been objected to for not commencing on a separate sheet. In response, Applicant has submitted herewith a new abstract presented on a separate sheet, apart from any other text. Accordingly, it is believed the abstract objection has been overcome.

#### ***Claim Rejections-35 USC §§102 and 103***

Claims 1-6 and 9 have been rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4, 294,558 to Errichiello. Claims 1, 7, 8 and 15 have been rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,569,613 to Thomas. Claims 1 and 12-14 have been rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,213,433 to An. Claim 10 has been rejected under 35 USC §103(a) as being unpatentable over the Thomas patent in view of U.S. Patent No. 4,682,792 to Simmons and Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over the Thomas patent in view of German Patent No. DE 90 15 136.4 to Reisenthal.

Amended Claim 1

In response, Applicant has amended independent Claim 1 to clarify certain features of the present invention. Specifically, Claim 1 has been amended to define a file including a cover and a closure element removably coupled to the file. The cover has a front cover portion, a back cover portion and a spine connecting the front and back cover portions. The closure element has a first part, a second part and a hinge pivotably connecting the first part and the second part, wherein the closure element can be initially provided in a flat condition, and wherein the first and second parts can be pivoted about the hinge for coupling with the cover, wherein the first part is coupled with a first lateral edge of each of the front and back cover portions and the second part is coupled with a longitudinal edge of each of the front and back cover portions. It is respectfully submitted that none of the cited prior art references, taken alone or combined, discloses a closure element having a first part, a second part and a hinge pivotably connecting the first part and the second part, and which is coupled to a cover, as defined in amended Claim 1.

Instead, the cited Errichiello patent discloses a portfolio having integrally molded upstanding walls disposed at the periphery of the cover. These walls meet when the cover is closed to form an enclosed structure. Thus, even if the walls could be considered a "closure element," these walls do not have a first part, a second part and a hinge pivotably connecting the first part and the second part, nor are the walls removably coupled to the cover, as defined in amended Claim 1. Also, these walls cannot be initially provided in a flat condition, wherein two parts can be pivoted about a hinge for coupling with the cover, as defined in amended Claim 1.

Similarly, none of the other cited prior art references discloses a closure element having the structure, or coupled to a cover in a manner as set forth in amended Claim 1. Specifically, none of the cited prior art references, taken alone or combined, teaches or suggests a closure element having a first part, a second part and a hinge pivotably connecting the first part and the second part, wherein the closure element can be initially provided in a flat condition, and wherein the first and second parts can be pivoted about the hinge for coupling with the cover, wherein the first part is coupled with a first lateral edge of each of

the front and back cover portions and the second part is coupled with a longitudinal edge of each of the front and back cover portions, as defined in amended Claim 1.

Accordingly, for all of the foregoing reasons, it is respectfully submitted that amended Claim 1, and the claims that depend therefrom, patentably distinguish over the prior art.

**New Claim 17**

Applicants have also added new independent Claim 17 directed to the embodiment of the invention shown in Figures 16 and 17 of the application. In particular, new Claim 17 defines a file including a spine, a front cover portion hingedly connected to the spine, a back cover portion hingedly connected to the spine opposite the front cover portion, a first closure part hingedly connected to a longitudinal edge of the front cover portion, a second closure part hingedly connected to a first lateral edge of the back cover portion and a third closure part hingedly connected to a second lateral edge of the back cover portion. The first and second lateral edges of the front cover portion have a raised wall part extending upwardly from the front cover portion and the longitudinal edge of the back cover portion has a raised wall part extending upwardly from the back cover portion. The raised wall parts are received in respective clamping slots of the first, second and third closure parts to form a secure file enclosure.

It is respectfully submitted that none of the cited prior art references, taken alone or combined, discloses front and back cover portions having raised wall parts that are received in clamping slots of respective closure parts, as defined in new Claim 17. Accordingly, it is respectfully submitted that new Claim 17 patentably distinguishes over the prior art.

***Conclusion***

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-2, 4, 6-11, 13-14 and 16-17 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



---

Steven T. Zuschlag  
Registration No.: 43,309  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
STZ/mf

293211\_1.DOC